

Robert B. Wilson
Chapter 13 Standing Trustee
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

Case No: 20-70170

BOBBY RAY BOUNDS JR

Pre-Hearing Conference: October 21, 2020 8:30 AM
Confirmation Hearing Date: October 21, 2020 10:00 AM

Debtor

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE Harlin D. Hale, U.S. BANKRUPTCY JUDGE:

Now comes Robert B. Wilson, the Standing Chapter 13 Trustee and files this "Trustee's Objection to Confirmation" of the Plan heretofore filed herein by Debtor, and for the same would respectfully show the Court as follows:

Based on information provided by the Debtor, the Trustee is unable to determine if the Plan meets the requirements of 11 U.S.C. § 1322 and 11 U.S.C. § 1325. In this regard the Trustee would show the following:

1. The Trustee objects to confirmation for the reason that the Debtor failed to provide business case related documentation such as monthly profit and loss statements with copies of reconciled bank statements beginning with July 2020. The Plan cannot be approved under 11 U.S.C 1304(c) in that the Debtors have been unable to provide the requested documentation.
2. The Trustee objects to confirmation as the Debtor has not filed the 2018 and 2019 Income Tax Returns as required.
3. The Trustee objects to confirmation as the Debtors have failed to provide information required to proceed with this case in a timely fashion. Prior to confirmation, pursuant to §1325 (a)(9) of the Bankruptcy Code, the Debtors shall file with the Court a certificate concerning all applicable Federal, State, and local tax returns as required by §1308 of the Bankruptcy Code. Mr. Bounds filed an Affidavit on 6/17/20 indicating he had not filed the 2018 and 2019 tax returns. After the 2018 and 2019 returns have been filed, the Trustee request an Amended Affidavit be filed.
4. Wichita County Water Improvement filed a proof of claim #18 on 9/14/20 in the amount of \$975.73 that is not provided for in the Debtor's Chapter 13 Plan. The Trustee objects to confirmation for the reason that the plan cannot be approved under 11 U.S.C. §1325 (a)(5)(B)(i)(I) (aa) and (bb) in that the Debtor's Plan does not provide for the underlying secured debt or receive a discharge.
5. As currently proposed, the Plan will not pay out the unsecured creditors pool of \$79,793.40 and/or Non-Exempt Property of \$61,204.19 unless plan payments are increased. The Trustee objects to confirmation for the reason that the plan cannot be approved under 11 U.S.C. §1325 (a)(5)(B)(i)(I)(aa) and (bb) in that the Debtor cannot pay the underlying secured debt or receive a discharge.

6. The Debtors filed an Amended Plan on 8/20/20 reflecting Non-Exempt Property value of \$1,350.00 that is not provided for by supporting schedules. The Trustee objects to providing a lesser amount to the creditors than what is allowed by the 122C pursuant to 1325(b)(2).
7. As of 10/15/2020, the debtor is delinquent in the amount of \$5,351.00 and the October 17, 2020, payment in the amount of \$7,365.00 will be due for a total of \$12,716.00 to be current.
8. Pursuant to General Order 2016-01(14)(a), the Debtor is more than two months in arrears in mortgage payments; it is requested the Debtor be designated as a conduit Debtor.
9. Debtor(s) Plan fails to provide for treatment of IRS secured claim in the amount of \$23,868.22, Texas Workforce priority claim in the amount of \$7,988.76, and Iowa Park ISD secured claim in the amount of \$94,965.29. The Trustee objects to confirmation for the reason that the plan cannot be approved under 11 U.S.C. §1325 (a)(5)(B)(i)(I)(aa) and (bb) in that the Debtor's Plan does not provide for the underlying secured debt or receive a discharge.
10. The Plan was not filed in good faith; the Plan does not meet the confirmation standards of 11 U.S.C. §1325.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that said Plan not be confirmed unless and until it has been modified to cure all objections set forth herein above,

Respectfully submitted,

Bv: /s/ ROBERT B. WILSON
Robert B. Wilson, Bar # 21715000
Chapter 13 Trustee
Marc McBeath, Bar# 13328600
Staff Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Trustee's Objection to Confirmation" was served on this date to the following parties per Bankruptcy Rule 3015(f) at the addresses listed below by either electronic service or by US First Class Mail.

Date: October 15, 2020

/s/ ROBERT B. WILSON
Robert B. Wilson, Bar # 21715000
Chapter 13 Trustee
Marc McBeath, Bar# 13328600
Staff Attorney

Debtor: Bobby Ray Bounds Jr, 4890 Johnson Rd, Iowa Park, Tx 76367
Attorney: Monte J White, Attorney At Law, 1106 Brook Ave Hamilton Place, Wichita Falls, Tx 76301
Creditor(s): Anthony W Bates, Sherrill & Gibson Pllc, 3711 Maplewood Suite 200, Wichita Falls, Tx 76308
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